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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RICHARD CHARLES HEBERT,  
  
Defendants.

CASE NO. 2:14-CR-140

STIPULATION AND PROTECTIVE ORDER  
REGARDING DISCOVERY

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, Matthew Morris, Assistant United States Attorney, attorney for plaintiff, and Linda Parisi, Attorney for the defendant, that the Court should approve the proposed protective order governing discovery. The proposed protective order relates to the defense attorney and defense experts' examination of computer data in this case.

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1 The parties agree that the ability of defense counsel to adequately advise her client will be  
2 enhanced by the approval of this protective order.

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4 Respectfully submitted,

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6 Dated: September 11, 2014

BENJAMIN B. WAGNER  
United States Attorney

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8 By: /s/ MATTHEW G. MORRIS  
MATTHEW G. MORRIS  
Assistant United States Attorney

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10  
11 Dated: September 11, 2014

By: /s/ LINDA PARISI (auth. by email 9/11/14)  
LINDA PARISI  
Attorney for Richard C. Hebert

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RICHARD CHARLES HEBERT,  
  
Defendants.

CASE NO. 2:14-CR-140  
  
PROTECTIVE ORDER REGARDING  
DISCOVERY

O R D E R

1. It is ordered that the parties comply with the following protective order with respect to computer materials alleged to contain child pornography:

a. Upon request, the Sacramento Valley Hi Tech Crimes Task Force agents shall make a duplicate copy of the hard drive(s) and any other storage media available for defense analysis;

b. The duplicate copies of the hard drive and storage media shall be made available for defense counsel, defense counsel staff, or another member of the defense team(s), and the defendant's proposed computer expert(s) to review at FBI offices in Sacramento, California, for the purpose of preparing for the defense of the above-entitled action. The images on the hard drive and storage media shall not be viewed by any other person;

c. A private room will be provided for the defense examination. No Government agents will be inside the room during the examination;

d. The expert or defense counsel will be permitted to bring whatever equipment, books, or records he or she believes may be necessary to conduct the examination;

e. Neither the defense expert nor defense attorneys nor the defense counsel staff shall remove the hard drive or other storage media from the confines of the law enforcement office;

f. With the exception of materials which would be considered child pornography under federal law (including visual depictions and data capable of conversion into a visual depiction), the expert or defense counsel may download and remove files or portions of files, provided the forensic

1 integrity of the hard drive is not altered. The expert or defense counsel will certify in writing (using the  
2 attached certification), that he or she has taken no materials which would be considered child  
3 pornography, or data capable of being converted into child pornography, (under federal law) and that he  
4 or she has not caused any child pornography to be sent from the law enforcement premises by any  
5 means including by any electronic transfer of files;

6 g. Except when a defense expert or defense counsel fails to provide this certification, no  
7 Government agent, or any person connected with the Government, will examine or acquire in any  
8 fashion any of the items used by the expert or defense counsel in order to conduct the defense analysis.  
9 Should a defense expert or defense counsel fail to certify that the expert or counsel has not copied or  
10 removed child pornography, or data capable of being converted into child pornography, Government  
11 agents may then inspect or examine the materials in order to ensure that prohibited child pornography  
12 has not been removed;

13 h. When the defense indicates that it is finished with its review of the copy of the hard  
14 drives, the drive(s) or other storage devices shall be "wiped" clean;

15 i. Any disputes regarding the above or problems implementing this order shall be brought  
16 to the attention of the court through representative counsel after first consulting opposing counsel.

17  
18 IT IS SO ORDERED.

19  
20 Dated: September 12, 2014

21   
22 CAROLYN K. DELANEY  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
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CERTIFICATION

I, \_\_\_\_\_, certify under penalty of perjury that I have not copied or removed any images of child pornography or data capable of being converted into images of child pornography, or caused the same to be transferred electronically (or by any other means) to any other location, during the course of my review of the evidence in this case.

Date: \_\_\_\_\_